IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 9517 of 2007(G)

PETITIONER:

ST.FRANCIS ENGLISH MEDIUM L.P.SCHOOL,
REPRESENTED BY ITS MANAGER, KUTTIPUZHA,
KUNNUKARA, ERNAKULAM DIST.

BY ADV. SRI.J.JULIAN XAVIER

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM.

4. DISTRICT EDUCATION OFFICER,
ERNAKULAM.

BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 9517 OF 2007 G

Dated this the 21st March, 2007

JUDGMENT

Petitioner is an unrecognized unaided School. According to petitioner, on the basis of sanction issued by the respondents, petitioner was conducting annual examination and issuing T.C. up to the academic year 2005 - 2006. However, for this year, namely 2006 - 2007, the request stands rejected by Ext.P3. Petitioner has filed an Affidavit, inter alia, undertaking that all necessary steps will be taken to enforce KER in the School from the next year onwards. Even though petitioner has made an application as Ext.P2, I find that the same is for recognition. Apparently, on the basis of Ext.P3 order dated 20.2.2007, petitioner cannot conduct the examination. Heard the learned Government Pleader also. In the light of the Affidavit filed by petitioner, the Writ Petition is disposed of as follows:

If the petitioner files an application before third respondent seeking permission to conduct annual examination for Standards

I to IV in the petitioner School and to issue TC to the students, the third respondent will consider the same and pass appropriate orders thereon, bearing in mind the Order dated 11.12.2001, within a period of one week from the date of receipt of the application.

K. M. JOSEPH, JUDGE

kbk.